



461-64 (5th Cir. 2010).

Here, all parties who have been specifically named and have appeared have stipulated to dismissal, and the interpleader plaintiff has confirmed that there are no remaining claims against any remaining interpleader defendants or claimants.<sup>2</sup> The motion to dismiss is **DEEMED MOOT**. The Clerk of Court shall terminate this action based on the stipulation and status report.

**SO ORDERED** on this 7th day of February, 2022.

  
IRMA CARRILLO RAMIREZ  
UNITED STATES MAGISTRATE JUDGE

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<sup>2</sup>To the extent that the complaint may be construed as asserting claims against the unnamed interpleader defendants or claimants, Rule 41(a)(1)(A)(i) provides that a plaintiff may dismiss its action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. This right to voluntarily dismiss an action before the filing of an answer or summary judgment motion is “absolute and unconditional” and may not be “extinguished or circumscribed by adversary or court.” *International Driver Training Inc. v. J-BJRD Inc.*, 202 F. App’x 714, 715-16 (5th Cir. Oct. 16, 2006), quoting 8 James W. Moore et al., Moore’s Federal Practice, § 41.33[2], at 41-48 (Matthew Bender 3d ed. 2006) and *Am. Cyanamid Co. v. McGhee*, 317 F. 2d 295, 297 (5th Cir. 1963). Because no defendant has filed an answer or a summary judgment motion, the plaintiff has the absolute right to dismiss his claims without prejudice under this rule. The status report suffices as a notice of dismissal under Rule 41(a)(1)(A)(i) of any claims that may be construed as remaining against the unnamed interpleader defendants or claimants.